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February 10, 2006

## VIA HAND DELIVERY

RECEIVED

Ms. Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
Portals II – 12th Street Lobby  
Filing Counter – TW-A325  
445 12th Street, SW  
Washington, D.C. 20554

FEB 10 2006

Federal Communications Commission  
Office of Secretary

Re: **MB Docket No. 05-10**  
**RM-11140, 11241, 11279**  
**(The Dalles, Tualatin, Eugene, Albany, Lebanon, Paisley and**  
**Diamond Lake, Oregon and Goldendale, Washington)**  
**Request to Issue Order to Show Cause**

Dear Ms. Dortch:

Transmitted herewith, on behalf of Portland Broadcasting, LLC, Columbia Gorge Broadcasters, Inc., M.S.W. Communications, LLC, and Extra Mile Media, Inc., is an original and four (4) copies of their Request to Issue Order to Show Cause in the above-referenced rule making proceeding. Please contact undersigned counsel in the event the Commission has any questions with respect to this filing.

Sincerely,



Lee J. Peltzman

Counsel for

PORTLAND BROADCASTING, LLC

Enclosure

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

FEB 10 2006

Federal Communications Commission  
Office of Secretary

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 05-10
Table of Allotments	)	RM-11140, 11241, 11279
FM Broadcast Stations	)	
(The Dalles, Tualatin, Eugene, Albany,	)	
Lebanon, Paisley, Diamond Lake, Oregon	)	
and Goldendale, Washington)	)	

To: Marlene H. Dortch, Secretary

Attn: Chief, Audio Division  
Media Bureau

**REQUEST TO ISSUE ORDER TO SHOW CAUSE**

Portland Broadcasting, LLC, Columbia Gorge Broadcasters, Inc., M.S.W.

Communications, LLC and Extra Mile Media, Inc. (together, the "Joint Petitioners") in the above-captioned rule making proceeding, hereby request that the Commission issue an Order to Show Cause directed to Cumulus Licensing LLC ("Cumulus"). In support of their position, Joint Petitioners submit the following:

On March 21, 2005, the Joint Petitioners filed a pleading captioned as a Petition for Rulemaking. The Commission on October 4, 2005, released a Public Notice (Report No. 2727), which considered the Joint Petitioners' Petition for Rulemaking as a counterproposal to the initial request of Klickitat Broadcasting in MB Docket No. 05-10. Cumulus has filed Reply Comments responsive to the Commission Public Notice.

The Joint Petitioners requested in their Petition for Rulemaking, *inter alia*, that the Commission issue Orders to Show Cause directed to Cumulus, licensee of Station KNRQ-FM, Eugene, Oregon, to show cause why its authorization should not be modified to specify operation

on Channel 300C in lieu of Channel 250C and to Haystack Broadcasting, Inc. (“HBI”), licensee of Station KYYT(FM), Goldendale, Washington, to show cause why its authorization should not be modified to specify operation on Channel 300C2 in lieu of Channel 272C2.<sup>1</sup>

In its Reply Comments, Cumulus took issue with two aspects of the Joint Petitioners’ proposal. Cumulus was concerned that the proposal to move Station KNRQ-FM from Channel 250C to Channel 300C might conceivably create the potential for electromagnetic interference to regional air navigation aid signals operated by the FAA. Cumulus similarly contended that there were FAA air safety concerns with respect to the Joint Petitioners’ plan to assign Channel 300C2 in lieu of Channel 272C2 at Goldendale, Washington with respect to Station KYYT. Cumulus noted that it had notified the FAA of the potential change in frequency and that once the FAA issued its “expected Determination of Hazard”, Cumulus would provide “a copy” to the Commission.<sup>2</sup> Additionally, Cumulus contended that the proposed move of Station KACI-FM, from Channel 249C2 at The Dalles, Oregon to Channel 250C2 at Tualatin, Oregon, was dependent on the Station KNRQ-FM move to Channel 300C, and, therefore, it would result in substantial service area loss, including white and gray areas.

In view of the fact that the Commission accepted the Joint Petitioners’ Petition for Rulemaking as a counterproposal as of October 4, 2005, almost four months ago, the Joint Petitioners respectfully request that the Commission issue an Order to Show Cause directed to Cumulus to show cause why its authorization for KNRQ-FM should not be modified to specify operation on Channel 300C and its license for Station KNRQ-FM modified accordingly.

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<sup>1</sup> Joint Petitioners subsequently reached agreement with HBI regarding reimbursement for the KYYT channel change and submitted a statement from the licensee consenting to the change in channel. *See* Supplement, filed July 12, 2005.

<sup>2</sup> Reply Comments of Cumulus Licensing LLC, filed October 19, 2005, Technical Statement, p. 2, 3.

The matters raised by Cumulus in its Reply Comments are more appropriately considered in a response to an Order to Show Cause. That would permit Joint Petitioners an opportunity to respond to any Cumulus objections. For example, Cumulus raises concerns regarding the potential for electromagnetic interference at a nearby airport as a result of the KNRQ-FM channel reallocation. However, normally such objections would be expected to be handled at the application stage rather than in an FCC rulemaking. In fact, Cumulus cites no previous FCC decision in which the Commission chose to consider the matter of potential electromagnetic interference in a rule making rather than dealing with the issue at the licensing stage. Moreover, Cumulus' concerns would appear to be dramatically overstated since, contrary to its prediction that the FAA would issue a Determination of Hazard in response to Cumulus' request, the FAA, in fact, issued a Determination of No Hazard to Air Navigation with respect to the Cumulus proposal on December 29, 2005.<sup>3</sup> See Attachment A. Having promised the Commission that it would provide the agency with the results of its FAA request, Cumulus, for reasons known only to itself, has sought to keep that determination a secret. Contrary to its clear representation to the Commission, Cumulus has provided no copy of any FAA determination to the FCC.

The Cumulus assertion that the Joint Petitioners' proposal will result in substantial underserved areas is premised on its misguided belief that alternate channels may not be provided for Stations KYYT at Goldendale, Washington and KNRQ-FM at Eugene because of an electromagnetic interference problem. However, when the channel changes as proposed by the Joint Petitioners for these stations are included in an engineering analysis, there are no substantial underserved areas and no white or gray areas at all.

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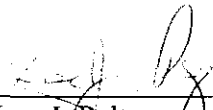
<sup>3</sup> The FAA similarly issued a Determination of No Hazard to Air Navigation with respect to the Goldendale channel change proposal on December 1, 2005. See Attachment B.

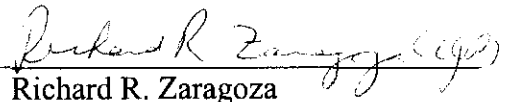
The Joint Petitioners look forward to a discussion of the issues involving the relocation of Station KNRQ-FM pursuant to an Order to Show Cause directed to Cumulus which the Joint Petitioners again request the Commission issue.

Respectfully submitted,

PORTLAND BROADCASTING, L.L.C.

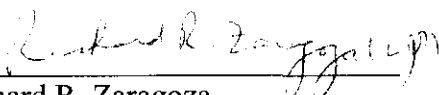
M.S.W. COMMUNICATIONS, LLC

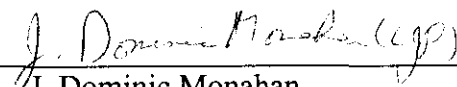
By:   
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Aaron P. Shainis  
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By:   
Richard R. Zaragoza  
Pillsbury Winthrop Shaw  
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COLUMBIA GORGE BROADCASTERS, INC.

EXTRA MILE MEDIA, INC.

By:   
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By:   
J. Dominic Monahan  
Luvaas Cobb Richards & Fraser, PC  
777 High Street, Suite 300  
Eugene, OR 97401

Dated: February 10, 2006

## ATTACHMENT A



Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2005-ANM-2379-OE  
Prior Study No.  
1990-ANM-246-OE

Issued Date: 12/29/2005

Gary Kline  
Cumulus Media  
PO Box 4555  
Lafayette, IN 47903

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower  
Location: Eugene, OR  
Latitude: 44-0-7.0 NAD 83  
Longitude: 123-6-54.0  
Heights: 373 feet above ground level (AGL)  
1668 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a 373 foot AGL structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect this existing height and the most current coordinates/elevation as indicated in the above description.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817)222-5538. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2005-ANM-2379-OE.

**Signature Control No: 439975-429384**

(DNE)

Prentiss Andrews  
Specialist

Attachment(s)  
Additional Information  
Frequency Data

cc: NACO w/map



**Additional Information for ASN 2005-ANM-2379-OE**

Obstruction marking/lighting is not recommended due to proximity of the subject tower to existing taller towers which are appropriately marked and/or lighted.

Frequency Data for ASN 2005-ANM-2379-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
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## **ATTACHMENT B**



Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2005-ANM-2386-OE  
Prior Study No.  
1996-ANM-828-OE

Issued Date: 12/01/2005

Gary Kline  
Cumulus Media  
PO Box 4555  
Lafayette, IN 47903

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna - Side Mount  
Location: Goldendale, WA  
Latitude: 45-40-52.44 NAD 83  
Longitude: 120-54-34.23  
Heights: 141 feet above ground level (AGL)  
3110 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (425)227-2558.  
On any future correspondence concerning this matter, please refer to  
Aeronautical Study Number 2005-ANM-2386-OE.

**Signature Control No: 439995-423244**

(DNE)

Kathie Curran  
Technician

Attachment(s)  
Frequency Data

Frequency Data for ASN 2005-ANM-2386-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
107.9	107.9	MHz	2.1	KW

**CERTIFICATE OF SERVICE**

I, Karen McNeill, hereby certify that on this 10<sup>th</sup> day of February, 2006, true and correct copies of the foregoing Request to Issue Order to Show Cause have been served via U.S. mail, postage prepaid, or by hand delivery upon the following persons:

John A. Karousos, Assistant Chief\*  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-A266  
Washington, D.C. 20554

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\_\_\_\_\_  
Karen McNeill

\*Denotes Hand Delivery